IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8347 OF 2004

Kum.Ashwini Ashok Ingale
and Ors. .. Petitioner

Versus

State of Maharashtra & Ors. .. Respondents

Mr.R.K.Mendadkar for petitioner
Mr.C.R.Sonawane, A.G.P. for State.

CORAM : A.P.SHAH AND
S.C.DHARMADHIKARI, JJ.
DATE : 1st DECEMBER 2004.

ORAL JUDGEMENT (Per S.C.Dharmadhikari, J)

. Rule. Respondents waive service. Returnable forthwith by consent.

2. This is a petition under Article 226 of the Constitution of India. Petitioners pray for writ of mandamus directing respondent No.2 Committee to forthwith withdraw the condition imposed in the orders validating their claim to Thakur Scheduled Tribe.

3. We have heard Mr.Mendadkar, learned Counsel appearing for petitioners and Mr.Sonawane, A.G.P. appearing for respondents.

4. It is not disputed that petitioners belong to Thakur Tribe Notified vide Presidential Notification issued under Article 342(1) of the Constitution of India. It appears that petitioners have been issued caste certificates by competent authority. However, for claiming benefits conferred on reserved categories, caste certificate of each of the petitioner was referred for verification and scrutiny of respondent No.2 committee. It is also not in dispue that relying upon materials produced by the petitioners as well as perusing the vigilance report, the caste certificates have been held to

be valid. However, while holding that the claims of petitioners are valid, caste scrutiny committee imposed a condition that validity certificate be issued subject to decision of this Court in a matter remitted back to this Court by the Supreme Court i.e. case of Sunil Murlidhar Thakur.

5. We need not consider the issue as to whether a conditional validity certificate can be issued by the Committee or not in this case inasmuch as Counsel appearing for parties are agreed that the condition imposed by the respondent No.2 committee would not survive. W.P. 3153 of 1996 filed by Sunil Murlidhar Thakur and Anr. Vs. State of Maharashtra has been decided by us and the order of scrutiny committee has been quashed and set aside. Sunil Murlidhar Thakur also belongs to Thakur, Scheduled Tribe and the Committee has been directed to issue caste validity certificate in his favour by our order dated 4th October 2004. In the light of the decision in the case of Sunil Murlidhar Thakur, the condition imposed by respondent No.2 Committee in case of petitioners

would not survive. It is held that petitioners are entitled to caste validity certificate without any condition. The scrutiny committee is directed to delete the condition and issue caste validity certificates in prescribed form in favour of petitioners within a period of two months from today.

5. Rule is made absolute in the above terms with no order as to costs.

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